

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
J. BARROWS, INC., ET AL.,

CV-09-03905 (LDW)(ETB)

Plaintiff(s),

vs.

JOSEPH UVINO, WENDY UVINO, WOOD &
COLORS, INC., and POOLS BY PAUL
GUILLO, INC.,

Defendants,

JOHN BARROWS, VALDESPINO CUSTOM
BUILDERS, INC., J.L. MASONRY &
CONSTRUCTION, INC., F. SCHNEIDER
CONTRACTING CORP., and HAMPTON
CONTRACTING, INC.,

Additional Defendants
On the Counterclaims

-----X
JOSEPH UVINO, WENDY UVINO, WOOD &
COLORS, INC., and POOLS BY PAUL
GUILLO, INC.,

Third-Party Plaintiffs,

vs.

JOHN BARROWS, VALDESPINO CUSTOM
BUILDERS, INC., J.L. MASONRY &
CONSTRUCTION, INC., F. SCHNEIDER
CONTRACTING CORP., and HAMPTON
CONTRACTING, INC.,

Third-Party Defendants

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FACT WITNESS AND TRIAL EXHIBIT LIST

FACT WITNESS LIST

Donald Moore (DLM Construction) - Donald Moore is the principal of DLM, the construction manager retained by the Uvinos after JBI's removal, who allegedly performed remediation work and is expected to testify regarding the nature of his work at the project and his observations of the project throughout the course of his involvement.

Victor Sheptovitsky - Victor Sheptovitsky served as the Project Architect for the subject project on behalf of KMA Architectural Services (KMA) and is expected to testify regarding the nature of KMA's business and its relationship to the project as well as his personal involvement to the project, any conversations he may have had with the Uvinos or representatives of KMA and J. Barrows Inc. or observations he may have made while at the project.

John Barrows (J. Barrows, Inc.) - John Barrows, principal of J. Barrows, Inc. (JBI), the construction manager for the subject project, and is expected to testify regarding the nature of JBI's business and its relationship to the project, including, specifically, the nature of JBI's work on the project, as well as his personal involvement.

Brian Nessler (Hampton Contracting) - Brian Nessler, part-principal of Hampton Contracting Corp. (Hampton), the framing contractor, and is expected to testify regarding the nature of Hampton's business and its relationship to the subject project including, specifically, the nature of its work on the project as well as any conversations he may have had with the Uvinos or representatives of KMA and J. Barrows, Inc. or observations he may have made while at the project.

Neil Starkman (Starkman Electrical Contracting) - Neil Starkman is the principal of Starkman Electrical Contracting (Starkman), the electrical contractor, and is expected to testify regarding the nature of Starkman's business and its relationship to the project including, specifically, the nature of its work on the project as well as any conversations he may have had with the Uvinos or representatives of KMA and J. Barrows, Inc. or observations he may have made while at the project.

Edward Guillo (Pools by Guillo) - Edward Guillo is the principal of Pools by Guillo (Guillo), the pool contractor, and is expected to testify regarding the nature of Guillo's business and its relationship to the project including, specifically, the nature of its work on the project as well as any conversations he may have had with the Uvinos or representatives of KMA and J. Barrows, Inc. or observations he may have made while at the project.

Frederick Schneider (F. Schneider Contracting Corp.) - Frederick Schneider is the principal of F. Schneider Contracting Corp. (F. Schneider), the tile and stone contractor, and is expected to testify regarding the nature of F. Schneider's business and its relationship to the project including, specifically, the nature of its work on the project as well as any conversations he may have had with the Uvinos or representatives of KMA and J. Barrows, Inc. or observations he may have made while at the project.

Jose Leon (J.L. Masonry) - Jose Leon is the principal of J.L. Masonry, the patio and stone contractor, and is expected to testify regarding the nature of J.L. Masonry's business and its relationship to the project including, specifically, the nature of its work on the project as well as any conversations he may have had with the Uvinos or representatives of KMA and J. Barrows, Inc. or observations he may have made while at the project.

William L. Jaeger, P.E., L.S. - William Jaeger is a professional engineer that is providing expert consulting services on behalf of JBI and is expected to provide expert testimony regarding the defects as alleged by the Uvinos in their counterclaim as against JBI as well as those specifically enumerated allegations in the expert report of William Waldron. He will provide his opinions, based on his experience, regarding the involvement of JBI, KMA, the Uvinos, and the various trade contractors to the project and the reasons for any defects that may have existed as well as in response to the allegedly defective or incomplete work as well as the cost impact of same.

EXHIBIT INDEX LIST

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23	Cost to Complete by Trade	10/05/07	J. Barrows Inc. and Joe and Wendy Uvino	42
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25	Change Order #3 Approval	5/2/06	Email from W. Uvino to J. Barrows Re: septic system	1

26	Change Order#7 Approval (with 7/29/06 emails between W. Uvino and J. Barrows	7/29/06	From J. Barrows to J. Uvino Re: 400 amp Distribution	5
27	Change Order#9 Approval	8/25/06	From J. Barrows to J. Uvino Re: Pool changes	1
28	Change Order#10 Approval	8/25/06	From J. Barrows to J. Uvino Re: HVAC	1
29	Change Order#12 Approval	9/24/06	From J. Barrows to J. Uvino Re: Generator Pre-wire	1
30	Change Order #13 Approval	10/2/06	From J. Barrows to J. Uvino Re: Patio & Walkway Masonry change	1
31	Change Order #31 Approval	12/5/06	From J. Barrows to J. Uvino Re: Plumbing Changes #6&7	1
32	Change Order #32 Approval	12/6/06	From J. Barrows to J. Uvino Re: Garage Doors	1
33	Change Order #33 Approval	12/6/06	From J. Barrows to J. Uvino Re: Electric Design & Fixture Adj.	8
34	Change Order #35 Approval	12/8/06	From J. Barrows to J. Uvino Re: Siding & Trim Changes #2	1
35	Change Order #36 Approval	12/15/06	From J. Barrows to J. Uvino Re: Concrete & Masonry Extras	1
36	Change Order #37 Approval	12/18/06	From J. Barrows to J. Uvino Re: Modify 2 nd Floor Air Handler	1
37	Change Order #38 Approval	12/19/06	From J. Barrows to J. Uvino Re: Install Front Yard Fountain	2
38	Change Order #39 Approval	1/4/07	From J. Barrows to J. Uvino Re: Rear Courtyard Grading	1

39	Change Order #57 Approval	3/5/07	J. Barrows to J. Uvino Re: 2 Water Storage Tanks	1
40	Change Order #68 Approval	5/22/07	Email between W. Uvino and J. Barrows Re: Palace Supply Invoice	1
41	Change Order #71 Approval	6/13/07	From J. Barrows to J. Uvino Re: Front entrance gate	1
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43	Change Order #78 Approval	7/3/07	From J. Barrows to J. Uvino Re: Demolition for pool equipment	1
44	Change Order #89 Approval	8/1/07	Email between W. Uvino and J. Barrows Re: AVG certification	3
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48	Owner-Trade Contract #364 with Change Orders	2/17/06	Bridgehampton Steel & Welding with Joseph Uvino	8
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54	Owner-Trade Contract #435 with Change Orders	1/5/07	F. Schneider Contracting Corp with Joseph Uvino	8
55	Owner-Trade Contract #304 with Change Orders	9/7/05	Guillo Contracting Corp to Uvino Residence	15
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60	Owner-Trade Contract #443	2/22/07	Westhampton Glass & Metal Inc with Joseph Uvino	3
61	Estimate for Uvino shower enclosures	2/20/07	Westhampton Glass Inc with J. Barrows	6
62	Subcontract Change Order	4/13/07	J. Barrows with Valdespino Custom Builders with invoice	3
63	Estimate #: 2144 for deck	4/10/07	Valdespino Custom Builders with J. Barrows	1
64	Subcontract Change Order #:397	11/28/06	J. Barrows with Valdespino Custom Builders	1
65	Subcontract Change Order#397 Change#1	12/07/06	J. Barrows with Valdepsino Custom Builders	1
66	Subcontract Change Order#397 Change#27	2/19/07	J. Barrows with Valdespino Custom Builders	1
67	Subcontract Change Order#397 Change#25	12/8/08	J. Barrows with Valdepsino Custom Builders	1
68	Subcontract Change Order#397 Change#21	11/28/08	J. Barrows with Valdespino Custom Builders	1
69	Estimate #: 2136 for trellis and pool framing	10/30/06	Valdespino Custom Builders with J. Barrows	1

70	Subcontract Change Order#397 Change#24	11/28/06	J. Barrows with Valdespino Custom Builders	3
71	Owner Trade Contract #397	7/1/06	Valdespino with Joseph Uvino	3
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73	Owner Trade Contract #434	1/4/07	The Flooring Irish Inc with Joseph Uvino	4
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77	Proposal/Contract	4/6/07	Tebbens Steel with J. Barrows	1
78	Subcontract Change Order#431 Change#1	1/25/07	J. Barrows with Tebbens Steel	1
79	Revised Proposal/Contract	1/22/07	Tebbens Steel with J. Barrows	6

80	Owner Trade Contract#431	12/19/06	Tebbens Steel with Joseph Uvino	7
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86	Subcontract Change Order#398 Change#3	12/6/06	J. Barrows with Starkman Electric	10
87	Subcontract Change Order#398 Change#2	12/6/06	J. Barrows with Starkman Electric	8
88	Subcontract Change Order#398 Change#2	9/23/06	J. Barrows with Starkman Electric	6
89	Owner Trade Contract#398	7/2/06	Starkman Electric with Joseph Uvino	10
90	Subcontract Audit	3/10/07	J. Barrows	2
91	Estimate#435	5/16/07	JL Masonry & Construction with John Barrows	2

92	Subcontract Change Order#415 Change#1	12/15/06	J. Barrows with J.L. Masonry	5
93	Estimate#448	6/27/07	JL Masonry & Construction with John Barrows	8
94	Subcontract Change Order#415 Change#4	5/21/07	J. Barrows with J.L. Masonry	3
95	Subcontract Change Order#415 Change#3	3/7/07	J. Barrows with J.L. Masonry	2
96	Subcontract Change Order#415 Change#2	1/12/07	J. Barrows with J.L. Masonry	2
97	Estimate#449	6/27/07	J.L. Masonry & Construction with John Barrows	1
98	Owner Trade Contract#415	10/2/06	J.L. Masonry with Joseph Uvino	4
99	Proposal	12/13/06	Stairways Inc with J. Barrows to Kaehler Moore Architects	3
100	Purchase Order#1016	10/16/06	Sag Harbor Discount Fireplace & Chimney Supply to John Barrows	2
101	Subcontract Change Order#429 Change#1	6/14/07	J. Barrows to Radiant Drywall & Insulation Corp	4
102	Proposal	4/6/07	Radiant Drywall & Insulation Corp to John Barrows Re: Proposed Change Orders	3

103	Owner Trade Contract#429	11/29/06	Radiant Drywall & Insulation Corp to Joseph Uvino	4
104	Proposal	11/10/06	Radiant Drywall & Insulation Corp to John Barrows Re: Insulation-Supply and Install (Revised)	2
105	Proposal	11/17/06	Radiant Drywall & Insulation Corp to John Barrows Revised	2
106	Bid Comparison	11/11/06	Uvino Residence Bid Comparison Re: Insulation and Drywall	2
107	Bid Comparison	11/27/06	Uvino Residence Bid Comparison Re: Insulation and Drywall	1
108	Owner Trade Contract#424	11/6/06	Pulvar Gas with Joseph Uvino	4
109	Change Order#948	8/20/07	J. Barrows with Joseph Uvino	1
110	Subcontract Change Order#424 Change#1	8/20/07	J. Barrows with Pulvar Gas	1
111	Proposal	8/17/07	Pulver Gas with J. Barrows	2
112	Proposal	11/29/06	Pulver Gas with J. Barrows	2
113	Proposal	11/21/06	Pulver Gas with J. Barrows	2
114	Proposal	11/7/06	Pulver Gas with J. Barrows	2
115	Proposal	11/1/06	Pulver Gas with J. Barrows	3
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117	Owner Trade Contract#400 Change#1	8/22/06	J. Barrows to Pools by Guillo	4
118	Change Order#17	10/12/08	J. Barrows to Joseph Uvino	4
119	Subcontract Change Order#400 Change#18	2/12/07	J. Barrows to Pools by Guillo	1
120	Subcontract Change Order#400 Change#19	2/19/07	J. Barrows to Pools bu Guillo	1
121	Subcontract Change Order#20	2/26/07	J. Barrows to Pools by Guillo	3
122	Revised Proposal Prepared	12/14/06	Pools by Guillo to J. Barrows	2
123	Subcontract Change Order#400 Change#1 Continued	12/19/06	J. Barrows to Pools by Guillo	2
124	Letter	6/21/06	Pools by Guillo to J. Barrows	2
125	Proposal	5/22/06	Pools by Guillo to J. Barrows	5
126	Owner Trade Contract#400	7/19/06	Pools by Guillo to Joseph Uvino	5
127	Owner Trade Contract#444	2/26/07	Ortiz Interior & Exterior Painting to Joseph Uvino	5
128	Owner Trade Contract#433	12/22/06	L. Lucchese Marble Co Inc to Joseph Uvino	13

129	Email	8/29/05	L. Kaehler, W. Uvino, V. Sheptovitsky, J. Barrows Re: Meeting on the 20 th or 21 st	15
130	Email	8/4/06	J. Barrows, V. Sheptovitsky Re: Fireplace Location	3
131	Email	9/2/06	N. Starkman, J. Barrows, J. Uvino, W. Uvino Re: questions from Neil	4
132	Email	9/20/06	N. Starkman, J. Barrows Re: meetings	4
133	Email	9/26/06	V. Sheptovitsky, J. Barrow, R. Lopez, L. Kaehler Re: Masonry pricing	2
134	Email	10/6/06	Kaehler, J. Barrows, V. Sheptovitsky Re: Meeting tomorrow	1
135	Email	10/23/06	W. Uvino, J. Barrows Re: Invoices	2
136	Email	12/7/06	V. Sheptovitsky, J. Barrows Re: Connectors	1
137	Email	12/13/06	J. Uvino, J. Barrows, W. Uvino Re: Construction Management Agreement	1
138	Email	1/29/07	J. Barrows, V. Sheptovitsky Re: Management Fee Co	2
139	Email	2/6/07	V. Sheptovitsky, W. Uvino, J. Uvino, L. Kaehler, J. Barrows Re: Teka Lights for residence on Long Island	2

140	Email	2/14/07	J. Barrows, W. Uvino, J. Uvino, L. Kaehler Re: Spa	2
141	Email	3/12/07	Starkman, J. Barrows Re: Uvino Lighting	1
142	Email	3/25/07	J. Barrows, W. Uvino, L. Kaehler, J. Uvino, V. Sheptovitsky Re: Call tomorrow	1
143	Email	Not dated	W. Uvino, J. Barrows Re: Uvino Change List Update wherein V. Sheptovitsky indicates most changes have "good explanations"	1
144	Email	4/1/07	W. Uvino, J. Barrows, J. Uvino, L. Kaehler, V. Sheptovitsky Re: Painting	1
145	Email	4/17/07	J. Uvino, J. Barrows, W. Uvino, L. Kaehler, V. Sheptovitsky Re: Follow-ups #2-Budget consensus	1
146	Email	4/17/07	J. Uvino, J. Barrows, L. Kaehler, V. Sheptovitsky, W. Uvino Re: Follow-ups #3	1
147	Email	4/20/07	J. Barrows, J. Uvino, W. Uvino, L. Kaehler, V. Sheptovitsky Re: Prioritized Completion List	1
148	Email	4/20/07	J. Barrows, J. Uvino, V. Sheptovitsky, L. Kaehler Re: Reveals	1

149	Email	4/22/07	V. Sheptovitsky, G. McGuire, J. Barrows, L. Kaehler Re: Draft letter to Joe	2
150	Email	4/23/07	J. Uvino, J. Barrows, L. Kaehler, W. Uvino Re: Follow-ups	2
151	Email	4/23/07	L. Kaehler, J. Uvino, J. Barrows, V. Sheptovitsky, W. Uvino Re: Follow-ups	2
152	Email	4/30/07	From W. Uvino Re: red and yellow tasks and offering to keep an Uvino completion list	1
153	Email	4/30/07	J. Uvino to J. Barrows, Kaehler, V. Sheptovitsky and W. Uvino Re: CofO steps	1
154	Email	5/1/07	W. Uvino to J. Barrows, J. Uvino, Kaehler and V. Sheptovitsky Re: follow-ups from meeting notes	2
155	Email	5/1/07	W. Uvino to J. Barrows, J. Uvino, Kaehler and V. Sheptovitsky Re: follow-ups from meeting notes	2
156	Email	5/6/07	G. McGuire of Kaehler to W. Uvino, V. Sheptovitsky, J. Uvino, and J. Barrows Re: revised paint schedule	1
157	Email	5/7/07	G. McGuire of Kaehler to W. Uvino, Kaehler, V. Sheptovitsky and J. Barrows Re: revised pain schedule	2

158	Email	5/10/07	Tony Pierro to Uvinos, and J. Barrows Re: Wood for powder room	4
159	Email	5/10/07	Ralph Cavazos to Dick Ehrgott Re: Stainless steel stair pictures	1
160	Email	5/14/07	W. Uvino to J. Barrows Re: BBQ wall	2
161	Email	5/15/07	J. Barrows to W. Uvino, V. Sheptovitsky Re: questions with list of items outstanding for design or decisions	2
162	Email	5/21/07	J. Uvino to V. Sheptovitsky, Kaehler and J. Barrows Re: Uvino Front entryway design	4
163	Email	5/22/07	J. Uvino to J. Barrows, V. Sheptovitsky, Kaehler and W. Uvino Re: Design elements	1
164	Email	5/23/07	W. Uvino to J. Barrows Re: updated Cost to Completion Worksheet	1
165	Email	5/23/07	J. Uvino to J. Barrows and W. Uvino Re: total cost of building	1
166	Email	5/23/07	J. Barrows to J. Uvino, and W. Uvino Re: Uvino email from Joe	2
167	Email	5/24/07	L. Kaehler to J. Uvino, W. Uvino, J. Barrows and V. Sheptovitsky Re: Revised Uvino Completion List	2

168	Email	5/29/07	J. Uvino to L. Kaehler, W. Uvino, J. Barrows and V. Sheptovitsky Re: Uvino action place	15
169	Email	6/5/07	J. Uvino to J. Barrows, and W. Uvino Re: Rate lock expiration	3
170	Email	6/5/07	J. Barrows and W. Uvino Re: Days activity	1
171	Email	6/11/07	J. Barrows and W. Uvino Re: Payments to material suppliers	1
172	Email	6/19/07	Starkman and W. Uvino Re: Follow up items for KMA	2
173	Email	6/22/07	V. Sheptovitsky, J. Barrows and Kaehler Re: Uvino Change Orders questions	5
174	Email	7/2/07	J. Barrows, J. Uvino, V. Sheptovitsky, Kaehler Re: Building Dept. C of O	1
175	Email	7/9/07	W. Uvino and J. Barrows Re: Teyvak	1
176	Email	7/8/07	W. Uvino and J. Barrows Re: Loft bookshelves	1
177	Email	7/9/07	J. Uvino, W. Uvino, Kaehler, J. Barrows, V. Sheptovitsky Re: Status unpaid bills	4

178	Email	7/9/07	L. Kaehler, J. Uvino, W. Uvino, J. Barrows, V. Sheptovitsky, G. McGuire Re: Final appraisal & Daily Update	2
179	Email	7/11/07	W. Uvino, J. Barrows, J. Uvino Re: Front pool	1
180	Email	7/10/07	J. Barrows, J. Uvino, W. Uvino Re: Hi-Line hardware	1
181	Email	7/17/07	W. Uvino, J. Barrows, J. Uvino Re: Starkman Electric Change Orders	4
182	Email	7/19/07	J. Uvino, J. Barrows and W. Uvino Re: Completion date	5
183	Email	7/25/07	W. Uvino, J. Barrows, J. Uvino Re: Total amounts for Starkman and JL Masonry	2
184	Email	7/26/07	W. Uvino, J. Barrows Re: Request for more invoices	1
185	Email	8/5/07	J. Barrows, W. Uvino Re: Most recent cost to complete	2
186	Email	8/5/07	W. Uvino, J. Barrows and J. Uvino Re: Review of 8 items	8
187	Email	8/13/07	J. Uvino, J. Barrows, W. Uvino, Kaehler and V. Sheptovitsky Re: Updated To Do List	2

188	Email	8/14/07	L. Kaehler, J. Barrow, V. Sheptovitsky and W. Uvino Re: Glass for the wine cellar	1
189	Email	5/15/07	J. Barrows and J. Uvino Re: Pulver Gas Letter	1
190	Email	8/19/07	J. Barrows, W. Uvino, J. Uvino and Victor Sheptovitsky Re: Uvino Preliminary Punch List of 8/17/07	1
191	Email	8/22/07	L. Kaehler, J. Barrows, J. Uvino and Tony at Buildersite.com Re: Payments that need to be made.	1
192	Email	8/22/07	J. Barrows, J. Uvino, W. Uvino, Kaehler, and V. Sheptovitsky Re: Rate	1
193	Email	8/30/07	W. Uvino, J. Barrows, J. Uvino Re: Finishing the floors	2
194	Email	9/4/07	J. Uvino, Robert Hogan, Mike Broday and W. Uvino Re: Revised installation date 154 Swamp Rd.	1
195	Email	9/5/07	V. Sheptovitsky, J. Barrows and L. Kaehler Re: Uvino Master Bedroom	1
196	Email	9/7/07	J. Uvino, J. Barrows, W. Uvino Re: Bank Closing	2
197	Email	8/14/07	G. McGuire, J. Barrows, L. Kaehler, V. Sheptovitsky Re: attached drawing to receive millwork pricing information and on titanium mirror insets	1

198	Email	9/12/07	W. Uvino, J. Barrows, J. Uvino Re: Roof issues	1
199	Email	9/24/07	J. Uvino, J. Barrows and W. Uvino Re: 154 Swamp Rd compromise	2
200	Email	9/24/07	J. Uvino, V. Sheptovitsky, W. Uvino, J. Barrows Re: 154 Swamp Rd compromise	1
201	Email	9/26/07	J. Uvino, Tony at buildersite.com, J. Barrows, W. Uvino Re: Billing Statement #18 & Project Summary	1
202	Email	9/26/07	V. Sheptovitsky, W. Uvino, J. Barrows Re: Billing Statement #18 & Project Summary dispute refund of money due to mis-measured refrigerator	1
203	Email	9/25/07	J. Uvino, J. Barrows, Tony @ buildersite.com, W. Uvino Re: Billing Statement #18 & Project Summary	1
204	Email	Not dated	J. Uvino, V. Sheptovitsky, W. Uvino, J. Barrows Re: Billing Statement #18 & Project Summary	1
205	Email	9/26/07	Starkman, W. Uvino, J. Uvino, J. Barrows Re: Completion of 154 Swamp Rd, Change Order & Subcontract Change Orders	1

206	Email	9/26/07	J. Uvino, Starkman Electric, W. Uvino, J. Barrows, V. Sheptovitsky and L. Kaehler Re: Completion of 154 Swamp Rd	1
207	Email	10/3/07	Tony Piero, W. Uvino and J. Barrows Re: JL Masonry Subcontract Audit	1
208	Email	10/4/07	J. Uvino, J. Barrows, W. Uvino and Tony Re: Wood & Colors	1
209	Email	10/4/07	J. Uvino, J. Barrows, Tony Re: Wood & Colors	1
210	Email	10/9/07	W. Uvino, J. Barrows Re: Cost to Complete by Trade Report dated 10/5/07	1
211	Email	10/8/07	J. Uvino, J. Barrows, Hallissey Re: Hallissey Builders recap	4
212	Email	10/11/07	J. Uvino, Starkman Electric, J. Barrows Re: Completion date	8
213	Email	10/11/07	J. Uvino, J. Barrows, L.Kaehler, V. Sheptovitsky, W. Uvino Re: Subcontractor payments	4
214	Email	1/7/08	W. Uvino, J. Barrows, V. Sheptovitsky, J. Uvino, G.McGuire/Kaehler Re: East Hampton Police instructions regarding the construction management agreement	4

We also anticipate using the exhibits used at depositions as enumerated in Appendix "A" and those exhibits designated by any other parties to this case.